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B.3

US EPA RECORDS CENTER REGION 5



534371

Page 1 of 12



OEPA Permit No. E 360 \*AD

Application No. OH 0045586

OHIO ENVIRONMENTAL PROTECTION AGENCY  
AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111),

Diamond Shamrock Corporation  
Concord Woods Lab

is authorized to discharge from a facility located at  
11211 Spear Road  
Concord Township  
Lake County, Ohio

to receiving waters named

Unnamed tributary to Ellison Creek

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on January 14, 1976.

This permit and the authorization to discharge shall expire at midnight, January 13, 1981. Permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

Ned E. Williams, P.E.  
Director

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning Jan. 14, 1976 and lasting until January 13, 1981. the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day (lbs/day)		Other Units (Specify)		Measurement	Sample
	<u>Daily Avg</u>	<u>Daily Max</u>	<u>Daily Avg</u>	<u>Daily Max</u>	<u>Frequency</u>	<u>Type</u>
Flow-M <sup>3</sup> /day (MGD)	-	-	-	-	once/month	Estimate of 24 hr. flow

"For the purpose of this permit, the discharge is limited to non-contact cooling water, including boiler blowdown water, but free from process and other wastewater discharges."

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations(s): at a point representative of the wastewater discharged.
4. Refer to Part III for additional reporting requirements.

## B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting

Monitoring data required by this permit shall be reported on the Ohio EPA report form (EPA- Surv- 1) on the monthly basis. Individual reports for each month are to be submitted no later than the 15th of the next month. Copies of the discharge monitoring report form must be signed and mailed to the District Office, Ohio EPA indicated below.

Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Monitoring results obtained during the previous three months shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first quarterly report shall be submitted for the period ending March 31, 1976.

U. S. Environmental Protection Agency  
Region V, Permit Branch  
230 South Dearborn, 13th Floor  
Chicago, Illinois 60604  
312/353-1475

3. Definitions

## a. "daily average" discharge

i. Weight Basis - the "daily average" discharge means the total discharge by weight, during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the "daily average" discharge shall be determined by the summation of the measured daily discharges by weight divided by the number of days during the calendar month on which the measurements were made.

ii. Concentration Basis - the "daily average" concentration means the arithmetic average (weighted by flow value) of all the daily determinations of concentrations made during the calendar month. Daily determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar month.

PART I

Page 4 of 12

OEPA Permit No. E 360 \*AD

b. "daily maximum" discharge

- i. Weight Basis - the "daily maximum" discharge means the highest discharge by weight during any calendar day.
- ii. Concentration Basis - the "daily maximum" concentration means the highest daily concentration in any calendar month.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(g) of the Act, under which such procedures may be required.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

PART I

Page 5 of 12

OEPA Permit No. E 360 \*AD

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three(3) years. These periods will be extended during the course of any unresolved litigation, or when so requested by the Regional Administrator or the Ohio EPA.

C. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

NOT APPLICABLE

PART I

Page 6 of 12

OEPA Permit No. E 360 \*AD

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit a written report as to compliance (except for those dates requiring a written submittal such as reports, plans, etc.), or noncompliance. The report on noncompliance shall include the reason, an estimated date of compliance and the probability of meeting the next scheduled requirement. Reports should be submitted at the Ohio EPA, District Office, ORE Representative.

NOT APPLICABLE

(END OF PART I)

PART II

MANAGEMENT REQUIREMENTS

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Ohio EPA with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

PART II

Page 8 of 12

OEPA Permit No. E 360 \*AD

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypassing

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Ohio EPA in writing of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or, if no date for implementation appears in Part I,

- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of one or more of the primary sources of power to the wastewater control facilities.

PART II

Page 9 of 12

OEPA Permit No. E 360 \*AD

B. RESPONSIBILITIES'

1. Right of Entry

The permittee shall allow authorized representatives of the Ohio EPA and USEPA upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At resonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

This permit cannot be transferred or assigned, nor shall a new owner or successor be authorized to discharge from this facility until the following requirements are met:

- i. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the Ohio EPA.
- ii. The new owner or successor shall submit a letter to the Ohio EPA stating that he will comply with the requirements of the permit on this facility and receive confirmation and approval of the transfer from the Ohio EPA.

3. Availability of Reports

Except for data determined by the Ohio EPA to be entitled confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the district offices of the Ohio EPA. Effluent data and data on quality of receiving water shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.

4. Permit Modification, Suspension, or Revocation

- a. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

PART II

Page 10 of 12

OEPA Permit No. E 360 \*AD

- i. Violation of any terms or conditions of this permit;
  - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
  - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- b. The permittee may at any time apply to the Ohio EPA for modification of any part of this permit, provided that application for modification is received by the Ohio EPA at least sixty days before the date on which it is desired that the modification shall become effective.

5. Toxic Pollutants

Notwithstanding Part II, B-4 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II, A-5) and "Power Failures" (Part II, A-7), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

PART II

Page 11 of 12

OEPA Permit No. E 360 \*AD

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. Reporting of Unauthorized Discharges

The permit holder shall within one (1) hour of discovery report to the Ohio EPA by calling 614-299-6336 and the proper Federal Authority any unauthorized discharge of untreated or partially treated sewage, industrial wastes or other wastes into the waters of the state or into publicly-owned treatment works, when such discharges result from pipeline breaks, equipment malfunctions or failures, operator errors, accidents, process interruptions, or power failures. The report shall include the remedial steps being taken, the names and telephone numbers of persons who have knowledge of the circumstances surrounding such discharge and the names and telephone numbers of persons who are responsible for the remedial steps being taken. Such report shall be confirmed in writing within one week after the date of such discharge. Within thirty (30) days after such discharge, the permit holder shall report to what extent permanent measures can be taken to prevent recurrence of such discharge, any such measures proposed to be taken shall be submitted to the Ohio EPA for approval within sixty (60) days of such discharge.

OEPA Permit No. E 360 \*AD

PART III

OTHER REQUIREMENTS

Monthly reports to Ohio EPA shall contain the following reporting codes and units.

Effluent Characteristic	Reporting Code	Units Used in Reporting
Flow	00056	GPD

- B. In the event the permittee shall require the use of water treatment additives, written permission must be obtained from the Ohio Environmental Protection Agency. The permittee shall demonstrate that the use of the additive in the concentrations expected will not be harmful or inimical to aquatic life as determined by acute static bioassays.